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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

DAVID MENKEN,)	CASE NO: CV-04-598 PHX MHM
)	
Plaintiff,)	PLAINTIFF'S MOTION FOR
)	RECONSIDERATION AND PARTIAL
v.)	SUMMARY JUDGMENT
)	
GARY F. EMM, et. al.)	(ORAL ARGUMENT REQUESTED)
)	
Defendants.)	

Plaintiff moves the Court to reconsider its order on Plaintiff's and Defendants' Motions for Summary Judgment on the grounds that a new decision by the Arizona Court of Appeals involving the same parties is dispositive of the motions in favor of Plaintiff and because the previous order of December 12, 2008 was in error.

In support of this motion, Plaintiff relies on the Memorandum of Law filed herewith.

Dated this 17th day of February, 2009.

/S/ TERRANCE J. SLOMINSKI
Terrance J. Slominski, OSB# 813763
Pro Hac Vice
Attorney for Plaintiff

1. PLAINTIFF'S MOTION FOR RECONSIDERATION AND PARTIAL SUMMARY JUDGMENT